

## Roland Bartl

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To: Planning Board  
Subject: FW: Verizon Wireless; North Acton; 820 Main and 982 Main



FW: Crown North  
Acton MA 80671...

Dear Planning Board members:

First: In the hope that I don't crow too soon, I want to express my congratulations to you for what appears like a successful completion to an agonizing process. You did exactly what the Bylaw is asking the Board to do: Ensure that all existing tower locations are fully utilized before approving new towers. These things are never easy to go through with hearing and discovery, and, as in this case, negotiations and efforts to resolve a land dispute.

Below is Mr. Valeriani's request for another continuation of the hearing. I don't see anything lost in giving the additional time. It is reasonable to ask for time for Verizon's inspections to be done and signed off before they give an 'all-clear'. Mr. Valeriani seems prepared to discuss terms of withdrawal that can be memorialized in an agreement (instead of us writing a decision of denial). Mr. Valeriani remembers that the Board is interested in assurances that Verizon will not return with the same or similar application at the Cappizzi site for some time coming. You may wish to discuss terms and duration of the restriction with Mr. Valeriani tonight.

Approval and sign-off by the Board of a withdrawal agreement is different from accepting a withdrawal without prejudice in that it sets forth agreed upon terms and conditions. In this case, with all evidence heard and the Board having invested significant time and energy it is appropriate for the Board to receive in the agreement a time period certain without new applications for the site. Verizon can only speak and sign for themselves, although you might ask Mr. Valeriani if Cappizzi would be willing to be a party to the agreement and thus eliminate all applications for a while.

The agreement is also more effective than a decision denying the special permit. While a denial bars the applicant for two years from reapplying for the same thing, a relatively small change can make it a different application that is then eligible earlier.

Regards -

Roland Bartl, AICP  
Planning Director, Town of Acton  
472 Main Street  
Acton, MA 01720  
978-264-9636

-----Original Message-----

From: James Valeriani [mailto:jamesvaleriani@comcast.net]  
Sent: Tuesday, May 22, 2007 12:19 PM  
To: Roland Bartl  
Cc: david@vssinc.net  
Subject: Verizon Wireless; North Acton; 820 Main and 982 Main

Hello Roland:

As a follow-up to the emails below and to our brief conversation a bit earlier today, I am writing to confirm that a meeting is scheduled for tomorrow afternoon (Wed 5/23; email confirmation with Verizon New England attached) with representatives of Verizon Wireless, Verizon New England and Crown Castle to 1) inspect the site and to confirm that the work done by Crown is satisfactory to allow

Verizon New England to commence connecting fiber to the site and 2) learn from Verizon New England its expected time frame for running/connecting the fiber to the site. We would have liked to have had this on-site meeting completed prior to tonight's hearing but, as you know, we learned just late last week (late Thursday afternoon) that Crown had completed its site work and Wed 5/23 was the earliest date for the meeting.

Although Crown has made significant progress over the past month in finalizing the easement and commencing work at the site, we believe it would be reasonable and prudent to keep the petition for the relocation site open until the next hearing date (which I understand is June 12th) so that the Crown work can be inspected/accepted by Verizon New England.

In the meantime, assuming there are no unforeseen significant issues that arise, I can commence drafting a withdrawal agreement for the 820 Main Street petition for your review.

Please forward this memo as necessary to the planning board representatives. I plan on attending tonight's meeting to relay this status and to answer any questions or comments.

Thank you for your continued patience and cooperative efforts to date.

Sincerely,

Jim Valeriani

James A. Valeriani  
Attorney at Law  
10 Arthur Road  
Wakefield, MA 01880  
ph. (781) 587-0206  
fx. (781) 587-0207  
jamesvaleriani@comcast.net

-----Original Message-----

From: James Valeriani [mailto:jamesvaleriani@comcast.net]  
Sent: Friday, May 18, 2007 11:01 AM  
To: 'Roland Bartl'  
Subject: RE: :806710 North Acton MA 5-17-07 Ready for fiber pull

Thanks for the email, Roland.

I'm in discussion with Verizon Wireless on the status and expect to be able to contact you early next week.

Bye for now.

Jim V.

James A. Valeriani  
Attorney at Law  
10 Arthur Road  
Wakefield, MA 01880  
ph. (781) 587-0206  
fx. (781) 587-0207  
jamesvaleriani@comcast.net

-----Original Message-----

From: Roland Bartl [mailto:rbartl@acton-ma.gov]  
Sent: Thursday, May 17, 2007 5:04 PM  
To: James Valeriani  
Subject: FW: :806710 North Acton MA 5-17-07 Ready for fiber pull

Jim:

What do you think? Does it sound like this going forward as you had hoped? If so, can we for the upcoming hearing discuss terms of withdrawal of your application, or in the alternative terms of denial of the special permit?

Roland Bartl, AICP  
Planning Director, Town of Acton  
472 Main Street  
Acton, MA 01720  
978-264-9636

-----Original Message-----

From: Albiani, Jim [mailto:Jim.Albiani@crowncastle.com]  
Sent: Thursday, May 17, 2007 5:00 PM  
To: Roland Bartl; Greg\_Niemyski@tjx.com  
Subject: FW: :806710 North Acton MA 5-17-07 Ready for fiber pull

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The work for Crown has been completed.

Thank you.

Jim Albiani

-----Original Message-----

From: Ruley, Michael  
Sent: Thursday, May 17, 2007 4:31 PM  
To: Albiani, Jim; 'James Valeriani'; raymond.c.landry@verizon.com; 'Edward Ebert '  
Cc: Turcotte, Allen; Booth, Sean; Rand, Tara; 'garweth1@aol.com'  
Subject: :806710 North Acton MA 5-17-07 Ready for fiber pull

All,  
The work has been completed for VZ land to move forward with the fiber pull and CSC install I have attached some photos please call with any questions 508 789 7023

MR.